

**MINUTES
of the
FIRST MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**June 18, 2007
Room 322, State Capitol
Santa Fe**

The first meeting of the Indian Affairs Committee was called to order by Senator John Pinto, co-chair, at 10:15 a.m. in Room 322 of the State Capitol in Santa Fe.

Present

Rep. James Roger Madalena, Co-chair
Sen. John Pinto, Co-chair
Sen. Rod Adair
Rep. Ray Begaye
Sen. Dianna J. Duran
Sen. Lynda M. Lovejoy
Rep. Patricia A. Lundstrom
Rep. John Pena
Sen. Lidio G. Rainaldi
Sen. Nancy Rodriguez
Sen. John C. Ryan
Rep. Gloria C. Vaughn

Absent

Rep. Justine Fox-Young
Rep. Manuel G. Herrera
Rep. W. C. "Dub" Williams

Advisory Members

Sen. Joseph J. Carraro
Rep. Ben Lujan
Sen. Richard C. Martinez
Rep. Debbie A. Rodella
Rep. Nick L. Salazar

Sen. Ben D. Altamirano
Sen. William E. Sharer
Sen. David Ulibarri

Staff

Chase Van Gorder
Jennie Lusk
Larry Matlock

Guests

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

Monday, June 18 — State Capitol, Santa Fe

2007 Legislation — Summary

Mr. Van Gorder reviewed the fate of bills and memorials endorsed by the committee for the 2007 session and tracked, insofar as he was able, funding related to committee-endorsed appropriation bills House Bill 2 and House Bill 2, Junior. He noted that for the 2008 legislative session, committee-endorsed bills and agency bills will be introduced in only one chamber and that committee-endorsed bills will be able to be prefiled before the session begins. New rules are being considered to permit senators and representatives to co-sponsor bills introduced in the other chamber. Representative Madalena questioned whether the new rules apply to memorials as well and Mr. Van Gorder said he would double-check.

Committee members added information on bills relevant to the committee's interests. Senator Martinez noted approval of the revised Indian Gaming Compact acts and for Indian education programs at the University of New Mexico. Representative Rodella noted a tax exemption included in House Bill 638. Representative Lundstrom noted that the administration assisted with a capital outlay appropriation in the amount of \$750,000 for Red Rock State Park. Senator Carraro questioned how the committee will be responsible for the oversight of the Tribal Infrastructure Act and was informed that the committee will have the authority to give advice on funding applications but will not have veto authority.

Indian Affairs Department — Update

Secretary of Indian Affairs Benny Shendo introduced members of the department's staff present at the meeting and reported that the Indian Affairs Department had received sufficient additional funds to add a staff policy analyst. The department now has 14 staff members and a summer law clerk. The secretary's goals include getting additional funding from the next legislative session for increased staffing to meet the demands of the department.

The secretary reviewed a number of special appropriations projects now underway, including establishing a database for veterans, case management services for radiation exposure victims, technical assistance to partner with tribal communities and the Economic Development Department, archives at the Institute of American Indian Arts, culturally sensitive programming for the Indian Education Division of the Public Education Department and youth conservation programs. The department has received money for a two-pronged tobacco cessation program that embraces both the traditional native view of smoking as sacred and health concerns for smokers. One prong involves population-based mini-grants ranging from \$5,000 to \$20,000 that have been provided to several tribes and pueblos. The other prong involves funds for specific grant proposals; five proposals have been received ranging from \$52,000 to \$90,000. The department plans to convene a conference in the summer of 2008 involving hundreds of children to address various ways of discouraging the nonsacred use of tobacco.

Secretary Shendo then reviewed legislation that had been passed during the 2007 legislative session and the department's involvement in implementing the following legislative initiatives: 1) the Reburial Grounds Act (Laws 2007, Chapters 299 and 300); a Reburial Grounds Act tribal forum has been scheduled for July 27 at the Indian Pueblo Cultural Center in Albuquerque; 2)

Senate Joint Memorial 42 requesting the study of the feasibility and advisability of formal recognition by the state of tribal entities; 3) House Memorial 42 requesting a multiagency study of domestic violence against Native American women; 4) House Memorial 91 requesting a study of the health of residents in the Four Corners area of the state with an emphasis on respiratory illnesses; 5) House Joint Memorial 10 requesting the governor to appoint a "food gap task force" to study and make recommendations to increase access to healthy, affordable and culturally appropriate foods; 6) Senate Bill 600 (Laws 2007, Chapter 114) creating a task force to design cultural competence education requirements in health education programs; and 7) House Joint Memorial 62 and Senate Joint Memorial 71 requesting the governor to appoint a "Native American arts and crafts authenticity task force" to study and make recommendations regarding how to ensure the authenticity of goods being portrayed as Native American arts and crafts. Secretary Shendo reviewed ongoing activities at the department, including the tribal leadership institute held in conjunction with University of New Mexico, the Commission on Urban Affairs, capital outlay training, a state resource guide for tribes and graduate assistanceships at New Mexico Highlands University.

Speaker Lujan introduced the Native American fellows from the summer policy institute held at the Santa Fe Indian School and thanked Regis Pecos for his organizational work with the students.

Rebecca Martinez, capital outlay manager of the Indian Affairs Department, presented the results of the capital outlay projects for Indian country, demonstrating that 2007 was a rewarding year for tribes. Of \$6 billion in capital outlay requests statewide, she said \$30.3 million was funneled to the Indian Affairs Department for tribal projects – an increase of 10 percent over the previous fiscal year. Ms. Martinez noted that there were approximately \$12 million for 82 projects for the Navajo Nation, \$11.7 million for 56 pueblo projects, \$1.8 million for eight Apache projects and \$4.9 million for other projects that were not tribe-specific. She described her process in consulting with tribes and reconciling reports, noting that joint powers agreements require quarterly reports and that monitoring has become very careful in order to help move projects along. Training for fiscal year 2008 begins July 1, and her aim is to individualize training in the capital outlay process so that tribal program managers as well as tribal leaders are involved. The complex problems of ensuring that state appropriations to tribal projects are expended were discussed in depth, and members of the committee commended Ms. Martinez for her successes in coordinating the spending of state funds for tribal projects.

Secretary Shendo addressed committee concerns about one particular incident in which the Department of Finance and Administration found that a tribal reauthorization was invalid. Stephanie Kiger, general counsel for the department, told the committee that the State Board of Finance made the decision that the reauthorization was invalid rather than simply deserving of clerical correction. There was discussion, though no resolution, of referring the matter to the attorney general for an opinion. Committee members noted that capital outlay problems with pueblos is nominal, in contrast to such problems with Navajo Nation chapters.

The Indian Affairs Department was asked for new maps of tribes and chapters executed with new chapter names and for a list of the total Navajo Nation projects versus a list of how much the projects have actually received. Means of discovering conflicts between Navajo Nation and chapter priorities were discussed in some depth, and suggestions were made to redesign the funding model for chapters, including roads, equipment, utilities and services, perhaps requiring approval from the Navajo Nation prior to an award of state capital outlay funding. Speaker Lujan requested that Robert Apodaca from the Department of Finance and Administration present the committee with a paper trail on the incident with the reversion of capital based on the Department of Finance and Administration's decision against reauthorization of funds in the Gallup area. Senator Martinez suggested spending a day on capital outlay again this interim, as this was helpful two years ago. Senator Carraro suggested asking how other states deal with conflicts with the Navajo Nation over capital outlay. Representative Madalena asked that Ms. Martinez provide the committee with an updated list of capital outlay projects.

Secretary Shendo reported that the Tribal Infrastructure Board, which he chairs, has met recently. Money in the fund is from reversions of tribal capital outlay projects. The committee includes Mr. Apodaca, the departments of finance and administration, education and health, environment and ex-officio members of the Bureau of Indian Affairs and the Indian Health Service, among others. The committee is seeking only three or four priorities from each chapter even though such priorities may conflict with Navajo Nation priorities. The board also examines project readiness and tribal capacity to complete projects as a means of organizing priorities. Senator Ryan asked for the secretary's advice on how to deal with new needs for tribal infrastructure funding so that the committee can be aware of projects that are not yet met with current funding.

2007 Interim Work Plan and Meeting Schedule Development

Mr. Van Gorder recommended focusing the Indian Affairs Committee agendas for this interim, examining fewer issues per day than the committee has been doing. He has worked with Representative Madalena to avoid topics already discussed as well as to explore important current issues. Dates selected by the Legislative Council Service were accepted by the committee. Senator Adair suggested that any field trips be arranged for the second day to maximize attendance. Locations were changed so that the committee will travel as follows: July - Crystal, Red Rock and Church Rock chapters of the Navajo Nation; August - Alamo and Tohajiilee chapters of the Navajo Nation and the Pueblo of Acoma; September - Ute Mountain Ute Tribe, T'iistoh Sikaad and San Juan chapters of the Navajo Nation; October - Pueblos of Cochiti, Santo Domingo and San Felipe; and November - Pueblo of Taos and the State Capitol. Following the discussion of topics to be addressed by the committee during the 2007 interim, Representative Lundstrom moved that the committee approve the proposed work plan. The motion was seconded by Senator Pinto and passed without objection. Mr. Van Gorder will work with the committee co-chairs to finalize the list of topics to be included in the work plan. Representative Lundstrom moved that the committee send letters to the governor requesting that he proceed with the appointment of the food gap task force and the Native American arts and crafts authenticity task force as requested in joint memorials passed during the 2007 legislative session. The motion was seconded by Senator Pinto and passed without objection.

State Library — Native American Language Web Site

Mildred Waters, Tribal Libraries Program coordinator for the State Library, and Candace Martinez with the Indigenous Language Institute discussed the tribal library programs currently in place and in development. The "Telling the Stories" Program is intended to reach Native Americans in their own languages with information about the wide array of cultural programs and services available in New Mexico. The program features information in native languages, sometimes in written form and sometime available orally through the web site. The presenters reviewed how the web site will work and the progress made in getting Native American tribes, nations and pueblos to participate. The project was undertaken in response to criticisms from former Senator Leonard Tsosie.

Adjournment

There being no further business before the committee, the first meeting of the Indian Affairs Committee for the 2007 interim was adjourned at 2:25 p.m.